

## **STEERING COMMITTEE MINUTES**

The Steering Committee of the County Commission of Wilson County, Tennessee met in called session on Monday, January 26, 2015 at 6:30 p.m. in the upstairs Conference Room at the Wilson County Courthouse in Lebanon, Tennessee. Those members present were Commissioners Gary Keith, Dan Walker, Mike Justice, Sara Patton, Adam Bannach, Kenneth Reich, Becky Siever, Wendell Marlowe, William Glover, Terry Muncher, Annette Stafford, Jeff Joines and Jerry McFarland, being all the members of the Committee with the exception of Commissioner Chad Barnard, who was absent. Also present was County Mayor Randall Hutto, several other County Commissioners and County Attorney Michael R. Jennings.

Chairman Siever called the meeting to order and determined that a quorum was present.

The proposed agenda for the January 26, 2015 County Commission meeting was presented. Mayor Hutto asked about adding an "IT Report" after the "Circuit Court Clerk's Report". A brief discussion was held. It was determined to leave that report off of tonight's agenda. Motion to recommend the agenda as presented was made by Commissioner Bannach, seconded by Commissioner Reich and carried unanimously.

There being no further business to come before the Committee on motion of Commissioner Stafford, seconded by Commissioner Walker, the Committee voted unanimously to adjourn.

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SECRETARY

## **STEERING COMMITTEE MINUTES**

The Steering Committee of the County Commission of Wilson County, Tennessee met in regular session on Thursday, February 12, 2015 at 6:45 p.m. in the upstairs Conference Room at the Wilson County Courthouse in Lebanon, Tennessee. Those members present were Commissioners Gary Keith, Mike Justice, Terry Muncher, Wendell Marlowe, Annette Stafford, Becky Siever, Dan Walker, Chad Barnard and Jerry McFarland, being all the members of the Committee with the exception of Commissioners Sara Patton, Kenneth Reich, William Glover, Adam Bannach and Jeff Joines, who were absent. Also present was County Mayor Randall Hutto, several other County Commissioners and County Attorney Michael R. Jennings.

Chairman Siever called the meeting to order and determined that a quorum was present.

The proposed agenda for the February 23, 2015 County Commission meeting was presented. Motion to recommend the agenda as presented was made by Commissioner Marlowe, seconded by Commissioner Stafford and carried unanimously.

There being no further business to come before the Committee on motion of Commissioner Walker, Chairman Siever declared the meeting adjourned.

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SECRETARY

**A G E N D A**  
**WILSON COUNTY BOARD OF COMMISSIONERS**  
**FEBRUARY 23, 2015 7:00 P.M.**

CALL TO ORDER BY THE CHAIRMAN  
PRAYER  
PLEDGE TO THE FLAG  
ROLL CALL BY THE COUNTY CLERK

HISTORIAN MOMENT

REPORT OF THE STEERING COMMITTEE  
ADOPTION OF THE AGENDA  
CONSENT AGENDA

SPECIAL RECOGNITION

REPORT OF THE MINUTES COMMITTEE  
READING OF THE MINUTES

COMMUNICATIONS FROM THE CHAIR

ELECTIONS & APPOINTMENTS

NOTARIES

REPORT OF THE EMERGENCY MANAGEMENT COMMITTEE  
EMERGENCY MANAGEMENT DIRECTOR'S REPORT

REPORT OF THE LAW ENFORCEMENT COMMITTEE  
SHERIFF'S REPORT

REPORT OF THE EDUCATION COMMITTEE  
DIRECTOR OF SCHOOLS REPORT

REPORT OF THE PUBLIC WORKS COMMITTEE

COMMITTEE REPORTS & RESOLUTIONS

AGRICULTURAL CENTER MANAGEMENT  
ANIMAL CONTROL  
AUDIT  
BACK TAX  
CABLE TELEVISION  
DEVELOPMENT & TOURISM  
ETHICS  
FINANCE  
HEALTH & WELFARE  
INSURANCE

JUDICIAL  
PLANNING & ZONING  
RECREATION  
RULES  
URBAN TYPE PUBLIC FACILITIES BOARD

FINANCE DIRECTOR'S REPORT  
REPORT OF THE BUDGET COMMITTEE

OLD BUSINESS  
NEW BUSINESS

PUBLIC HEARING FOR ZONING PURPOSES  
ONE HOUR AFTER COMMISSION CONVENES

ADJOURNMENT

# CONSENT AGENDA

15-2-1

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WILSON COUNTY,  
TENNESSEE TO AMEND THE BUDGET AND APPROPRIATION RESOLUTION FOR THE  
2014-2015 FISCAL YEAR TO MAKE LINE ITEM TRANSFERS IN JUDICIAL COMMISSIONERS**

**BE IT RESOLVED** by the Board of County Commissioners of Wilson County,  
Tennessee that the budget and appropriation resolution for fiscal year 2014-2015 be,  
and the same is hereby amended, by making the following line item transfers in Judicial  
Commissioners, all as shown on the attached budget amendment request form.

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SPONSOR

**RECOMMENDED FOR APPROVAL:**

**JUDICIAL COMMITTEE**  
January 29, 2015  
5-0

**BUDGET COMMITTEE**  
February 12, 2015  
5-0



15-2-2

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WILSON COUNTY,  
TENNESSEE TO ESTABLISH THE SPEED LIMIT ON JOHNSON HOLLOW ROAD AT 30 MPH**

**BE IT RESOLVED** by the Board of County Commissioners of Wilson County,  
Tennessee that the speed limit on Johnson Hollow Road be established and posted as 30  
mph. The Road Commission is specifically directed to so post this road in both  
directions as soon as possible after the adoption of this resolution.

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SPONSOR

RECOMMENDED FOR APPROVAL:

WILSON COUNTY ROAD COMMISSION  
February 6, 2015  
4-0-1



15-2-3

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WILSON COUNTY,  
TENNESSEE TO ESTABLISH THE SPEED LIMIT ON KENNEDY CREEK ROAD AT 35 MPH**

**BE IT RESOLVED** by the Board of County Commissioners of Wilson County,  
Tennessee that the speed limit on Kennedy Creek Road be established and posted as 35  
mph. The Road Commission is specifically directed to so post this road in both  
directions as soon as possible after the adoption of this resolution.

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SPONSOR

RECOMMENDED FOR APPROVAL:

WILSON COUNTY ROAD COMMISSION  
February 6, 2015  
4-0-1

15-2-4

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WILSON COUNTY,  
TENNESSEE TO ESTABLISH THE SPEED LIMIT ON KNIGHT CREEK ROAD AT 35 MPH**

**BE IT RESOLVED** by the Board of County Commissioners of Wilson County,  
Tennessee that the speed limit on Knight Creek Road be established and posted as 35  
mph. The Road Commission is specifically directed to so post this road in both  
directions as soon as possible after the adoption of this resolution.

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SPONSOR

RECOMMENDED FOR APPROVAL:

WILSON COUNTY ROAD COMMISSION  
February 6, 2015  
4-0-1

## **MINUTES COMMITTEE MINUTES**

The Minutes Committee of the County Commission of Wilson County, Tennessee met in regular session on Thursday, February 12, 2015 at 6:40 p.m. in the upstairs Conference Room at the Wilson County Courthouse in Lebanon, Tennessee. Those members present were Commissioners Dan Walker, Chad Barnard, Sonia Robinson, Annette Stafford and Terry Scruggs, being all the members of the Committee. Also present was County Mayor Randall Hutto and County Attorney Michael R. Jennings.

Chairman Barnard called the meeting to order at 6:40 p.m., some 10 minutes after the scheduled time, due to the length of the Education Committee meeting. He determined that a quorum was present.

The Committee reviewed the minutes of the January 26, 2015 County Commission Meeting. Motion to recommend approval of these minutes to the full County Commission was made by Commissioner Stafford, seconded by Commissioner Scruggs and carried unanimously.

There being no old or new business to come before the Committee, on motion of Commissioner Robinson, seconded by Commissioner Scruggs, the Committee voted unanimously to adjourn.

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SECRETARY

STATE OF TENNESSEE, WILSON COUNTY BOARD OF COMMISSIONERS,  
JANUARY 26, 2015:

Be it remembered that the regular meeting of the Board of Commissioners January 26, 2015, the same being the Fourth Monday in said month.

There was present and presiding the Honorable Chairman Randall Hutto; Jim Goodall, County Clerk; and a quorum of County Commissioners to wit:

Becky Siever, Adam Bannach, Bobby Franklin, Chad Barnard, Jerry McFarland, Kenny Reich, Terry Scruggs, Frank Bush, Sara Patton, Dan Walker, John Gentry, Terry Ashe, Sonja Robinson, Jeff Joines, Mike Justice, Diane Weathers, Gary Keith, Terry Muncher, William Glover, Annette Stafford, Cindy Brown, Wendell Marlowe, Sue Vanatta, Joy Bishop and Jim Emberton

The Board of Commissioners was opened in the form of law at 7:00 P.M. when the following proceedings were had and entered to wit:

A prayer was given by Buster Drennan with the Town Creek Ole Missionary Church; everyone said the pledge to the flag, which was led by Commissioner Barnard.

The Clerk called the roll showing 25 present and 0 absent.

Commissioner McFarland gave the Historian Moment about Sellars Indian Mound Site.

Commissioner Siever gave the Steering Committee Report and moved that said report be received and filed, seconded by Commissioner Bannach. Passed by unanimous voice vote.

Steering Committee Report Page \_\_\_\_\_

Commissioner Siever made a motion to adopt the Agenda, seconded by Commissioner Bannach. Passed by unanimous voice.

Agenda Page \_\_\_\_\_

No Consent Agenda was presented at this time.

Commissioner Patton read Resolution 15-1-1 Honoring the Watertown High School Girls Basketball Team for Winning the KSA Tournament at Walt Disney World in Orlando, Florida. Commissioner Patton made a motion that said Resolution be adopted, seconded by Commissioner McFarland. Passed by unanimous voice vote.

Resolution 15-1-1 \_\_\_\_\_

Commissioner Barnard gave the Minutes Committee Report and moved that said report be received and filed, seconded by Commissioner Weathers. Commissioner Bush stated according to the mp3 file of the minutes that are recorded at each meeting, his questions or comments were not in the minutes and made a motion to have items left out of minutes under Finance Director's Report placed in the minutes, seconded by Commissioner Barnard. Deputy Clerk Sondra Dowdy stated she would correct the minutes. Commissioner Bush stated the meetings are recorded and asked, should that be considered the minutes and be posted on the website? County Attorney Jennings stated he believed the minutes had to be typed, but they could probably also be put on the website. Chairman Hutto stated this should be taken to the appropriate committee and see about getting our rules changed. Passed by unanimous voice vote.

Minute Committee Report Page \_\_\_\_\_

Commissioner Bannach made a motion to dispense with the reading of the minutes, seconded by Commissioner Marlowe. Passed by unanimous voice vote.

Communications from the Chair. Chairman Hutto stated our County lost Road Superintendent Steve Armistead on January 11, 2015. A moment of silence was recognized in his honor.

Pictures have been placed around the Commission Courtroom of former County Commissions.

Travis Newsome is our new IT Director. Home Number and Cell Number were given to Commissioners.

The Public Works Committee has met to consider building the Museum and Office for the Veterans Plaza. The Resolution is coming before this Commission this evening for your approval.

A list of Notaries for January was presented to the Commission. Commissioner McFarland made a motion to approve the list of Notaries for January, 2015, seconded by Commissioner Muncher. Passed by unanimous voice vote

Notary Page \_\_\_\_\_

Chairman Hutto called for the election of one (1) Alternate Member to the Board of Zoning & Appeals. Chairman Hutto recommended Ken Davis. Commissioner Ashe made a motion to approve Ken Davis as Alternate Member to the Board of Zoning & Appeals, seconded by Commissioner Reich. Passed by unanimous voice vote.

Chairman Hutto called for the election of three (3) Members to the Sports Authority. Chairman Hutto recommended Andy Bond, Charles Danner and Bill Heydel. Commissioner McFarland made a motion to appoint Andy Bond, Charles Danner and

Bill Heydel to the Sports Authority, seconded by Commissioner Siever. Passed by unanimous voice vote.

Chairman Hutto called for the election of one (1) Part Time Judicial Commissioner. Commissioner Keith stated the Judicial Committee is recommending Felicia Hale for the position by unanimous vote, seconded by Commissioner Justice. Commissioner Reich made a motion that nominations cease, seconded by Commissioner Justice. Passed by unanimous voice vote to elect Felicia Hale as a Part Time Judicial Commission.

Commissioner Riech gave the Emergency Management Committee Report and moved that said report be received and filed, seconded by Commissioner Barnard. Passed by unanimous voice vote.

Emergency Management Committee Report Page \_\_\_\_\_

Director Joey Cooper gave the Emergency Management Director's Report. Commissioner Reich made a motion that said report be received and filed, seconded by Commissioner McFarland. Commissioner Bush stated in May of last year, you were asked to prepare a lease for Watertown. County Attorney Mike Jennings stated it is being worked on at this time. Passed by unanimous voice vote.

Emergency Management Director's Report Page \_\_\_\_\_



No report was given at this time by the Law Enforcement Committee.

Sheriff Robert Bryan gave the Sheriff's Report. Commissioner Joines made a motion that said report be received and filed, seconded by Commissioner Justice. Commissioner Stafford thanked Sheriff Bryan and his department for the assistance in the case of C'Asia Watkins shooting. Passed by unanimous voice vote.

Sheriff's Report Page \_\_\_\_\_

Commissioner Stafford gave the Education Committee Report and moved that said report be received and filed, seconded by Commissioner Justice. Passed by unanimous voice vote.

Education Committee Report Page \_\_\_\_\_

Director Donna L. Wright gave the Director of Schools Report. Commissioner Stafford made a motion that said report be received and filed, seconded by Commissioner Muncher. Passed by unanimous voice vote.

Director of Schools Report Page \_\_\_\_\_

No report was given at this time by the Register of Deeds.

Jim Major gave the Trustee's Report. Commissioner McFarland moved that said report be received and filed, seconded by Commissioner Justice. Passed by unanimous voice vote.

Trustee's Report Page \_\_\_\_\_

Interim Superintendent Steve Lynch gave the Road Superintendent Report. Doing regular maintenance, pot hole patching at this time. Road List was laid on everyone's desk this evening. This year's Classifying Public Roads Resolution is in Memory of Road Superintendent Steve Armistead. Commissioner Joines made a motion to approve the Road Superintendent's Report, seconded by Commissioner McFarland. Passed by unanimous voice vote.

Jack Pratt, Jr. gave the Property Assessor Report. Commissioner Joines made a motion that said report be received and filed, seconded by Commissioner Justice. Passed by unanimous voice vote.

Property Assessor Report Page \_\_\_\_\_

Interim Director Bethany Massey gave the HR Director's Report. Commissioner McFarland made a motion that said report be received and filed, seconded by Commissioner Justice. Commissioner Bush asked what is the County Employee Head

Count? Interim Director Massey stated approximately 650. Passed by unanimous voice vote.

HR Director's Report Page \_\_\_\_\_

Director Terri Merriman gave the Tourism Director's Report showing the new Wilson County Convention & Visitors Bureau Website. Commissioner Patton made a motion that said report be received and filed, seconded by Commissioner Glover. Passed by unanimous voice vote.

Tourism Director's Report Page \_\_\_\_\_

Director Bernie Ash gave the Veterans Service Officer Report. Commissioner Justice made a motion that said report be received and filed, seconded by Commissioner Joines. Commissioner Bishop stated everyone keeps saying \$800,000.00, but when we get through with this it will be \$850,000.00. You have \$815,000 plus interest and the other things, and that will add up to over \$850,000.00. Passed by unanimous voice vote.

Veterans Director Report Page \_\_\_\_\_

Circuit Clerk Debbie Moss gave the Circuit Court Clerk's Report. Commissioner Justice made a motion that said report be received and filed, seconded by Commissioner Weathers. Passed by unanimous voice vote.

No report was given at this time by the Public Works Committee.

Commissioner Joines gave the Agricultural Center Management Committee Report and moved that said report be received and filed, seconded by Commissioner Justice. Passed by unanimous voice vote.

Agricultural Center Management Committee Report Page \_\_\_\_\_

Commissioner Marlowe gave the Animal Control Committee Report and moved that said report be received and filed, seconded by Commissioner Barnard. Passed by unanimous voice vote.

Animal Control Committee Report Page \_\_\_\_\_

No report was given at this time by the Audit Committee.

No report was given at this time by the Back Tax Committee.

No report was given at this time by the Cable Television Committee.

Commissioner Marlowe gave the Development & Tourism Committee Report and moved that said report be received and filed, seconded by Commissioner Muncher. Passed by unanimous voice vote.

Development & Tourism Committee Report Page \_\_\_\_\_

No report was given at this time by the Ethics Committee.

Commissioner Glover gave the Finance Committee Report and moved that said report be received and filed, seconded by Commissioner Joines. Passed by unanimous voice vote.

Finance Committee Report Page \_\_\_\_\_

Commissioner Siever gave the Health & Welfare Committee Report and moved that said report be received and filed, seconded by Commissioner Franklin. Passed by unanimous voice vote.

Health & Welfare Committee Report Page \_\_\_\_\_

No report was given at this time by the Insurance Committee.

Commissioner Keith gave the Judicial Committee Report and moved that said report be received and filed, seconded by Commissioner Justice. Passed by unanimous voice vote.

Judicial Committee Report Page \_\_\_\_\_

Commissioner McFarland gave the Planning & Zoning Committee Report and moved that said report be received and filed, seconded by Commissioner Reich. Passed by unanimous voice vote.

Planning & Zoning Committee Report Page \_\_\_\_\_

No report was given at this time by the Recreation Committee.

Commissioner Muncher gave the Rules Committee Report and moved that said report be received and filed, seconded by Commissioner Siever. Passed by unanimous voice vote.

Rules Committee Report Page \_\_\_\_\_

Commissioner Joines gave the Urban Type Public Facilities Board Report and moved that said report be received and filed, seconded by Commissioner Justice. Passed by unanimous voice vote.

Urban Type Public Facilities Board Report \_\_\_\_\_

Director Aaron Maynard gave the Finance Director's Report. Director Maynard went over the Debt Obligation Report for Refunding Bonds for Watertown High School. Commissioner McFarland made a motion that said report be received and filed, seconded by Commissioner Glover. Director Maynard stated everything looks good for our Finances. We have received 53% of our property tax money in. We were at 49%-50% last year. Expenditures appear to be in line. We had a discussion at the last Commission meeting about the budget adoption date and how we needed to that. We have decided this is something we need to explore and decide how it affects us and see how other counties that have adopted the 1981 Financial Act are doing. I am putting together a budget calendar that will go out this week, to comply with the February 1 date. That is the 1<sup>st</sup> date in the act. The only problem is it will not be blessed by the Budget Committee until after that. I have been a conscientious objector to the July 31 date. We want to follow the law and we are going to make every effort to do so. Passed by unanimous voice vote.

Finance Director's Report Page \_\_\_\_\_

Commissioner McFarland gave the Budget Committee Report and moved that said report be received and filed, seconded by Commissioner Joines. Passed by unanimous voice vote.

Budget Committee Report Page \_\_\_\_\_

Commissioner Justice read Resolution 15-1-2 Authorizing the Issuance of Interest-Bearing General Obligation Capital Outlay Notes of Wilson County, Tennessee, in an Aggregate principal Amount of Not to Exceed Eight Hundred Fifteen Thousand Dollars (\$815,000); Making Provision for the Issuance, Sale and Payment of Said Notes, Establishing the Terms Thereof and the Disposition of Proceeds Therefrom; and Providing for the Levy of Tax for the Payment of Principal Thereof and Interest Thereon. Commissioner Stafford made a motion that said Resolution be adopted, seconded by Commissioner Glover. Commissioner Bishop stated she wanted to thank the Veterans that are here. I believe everyone realizes we would not be here, if not for them. I personally cannot vote for this because of the \$850,000.00 that has to be paid back. I wonder if Veterans would rather have new office buildings or schools for their grandchildren. I have talked with several people in my district and they say we just can't afford it, at this time. What's out there is beautiful, but I just can't vote for it and that's why. Commissioner Bush stated this County and this Country have a wonderful tradition of honoring the Veterans. Since World War II we have spent over \$240,000,000.00 on six (6) Memorials in Washington D.C. World War I Memorial, World War II Memorial, Kansas City, Vietnam Veterans Memorial, Navy Memorial, Marines Memorial, Korean War Memorial. Consistent with this tradition of honoring our veterans, and my father was a World War II Veteran. His orders are posted in the World War II Memorial, because I posted them their myself, years ago. Tradition has always included funding by private sources. As difficult as that is, I think that's the way this Library and Park should be finished. Let's truly honor our veterans and go out there and get voluntary contributions. I cannot support this Resolution. Commissioner Ashe stated he



appreciated the Commissioners position. I have done a great deal of personal fundraising on behalf of this Memorial, along with many other people in this room. Commissioner Bush is right, we need to truly honor our Veterans. If it were not for these Veterans, we wouldn't have to worry about the language we spoke, we wouldn't have to worry about losing that flag. We had to worry about taking this one down. I saw lots of my brothers die. Many of us have approached some of the largest benefactors in the county. I think in the end they wanted to see how serious we were. I think you will see some come forward. We can probably wait another eight (8) years and raise this \$800,000.00. I've seen a lot of money come through here in 40 years. This is good money for a good cause. I'm not pulling on your heart strings, I'm just telling you like it is. I hope you vote for this Resolution. I hope we build something our children can be proud of. There are priceless items from different homes that could be displayed here and educate our children. Let's send a message to our community that we support our Veterans and that we stand behind them. When we come in here to build schools, I'm gonna ask you to do that too. This money is not coming out of property taxes, this is coming out of Adequate Facilities Tax. It's coming out of the people who move here and build their homes here. Commissioner Patton stated although we have National Monuments that are Nationally Funded, they are not locally funded. This is a monument that will be in Wilson County and people in this area can come to see this, when they cannot afford to go to Washington D. C. This is being built from Adequate Facilities Tax not from sales tax, not from property tax. Commissioner Justice stated he appreciates the veterans. I see a few faces here tonight that voted on this like I did, that first night after we were elected. It's one of the biggest regrets I've had at times, that we didn't follow through with some of the

things we had considered for over there. I think this project is a good way to end that dispute over that property. I think we can right some wrongs, we did my first night here. I don't think it's all without some payback. I think if sold right by our Tourism, we will get some sales tax dollars back in here. Commissioner Gentry stated he has 5 brothers and 3 sisters. All his brothers including him are vets. His sisters are married to vets. I have ancestors that are vets. I am a vet and I support the vets. This is a vote about the money. I agree with Mr. Bush, all the monuments that have been built have been funded by private donations. It may take a longer time to get the money, but I think that is the way to get the money for our taxpayers. Even though it comes from the Adequate Facilities Tax, it's all tax money. I know you don't agree with that, but that's how I feel. Commissioner Marlowe stated it is great that we have the rights and privileges to have these conversations. Call for the question. Commissioner McFarland stated three (3) years ago we had about \$400,000.00 in the fund balance, today we have nearly \$4 million. We have a beautiful park over there, we need to finish it. Passed by a roll call vote 20 for, 5 against, 0 not voting, and 0 absent.

Voting YES:	(20)	Siever, Bannach, Barnard, McFarland, Reich, Scruggs, Patton, Walker, Ashe, Robinson, Joines, Justice, Weathers, Keith, Muncher, Glover, Stafford, Brown, Marlowe, Vanatta
Voting NO:	(5)	Franklin, Bush, Gentry, Bishop, Emberton
ABSTAINING:	(0)	
ABSENT:	(0)	

Resolution 15-1-2 \_\_\_\_\_.

Commissioner Justice read Resolution 15-1-3 in Regard to Wilson County's Account with the Tennessee Consolidated Retirement System. Commissioner Joines made a

motion that said Resolution be adopted, seconded by Commissioner Justice. Passed by roll call vote 25 for, 0 against, 0 not voting, and 0 absent.

Voting YES:	(25)	Siever, Bannach, Franklin, Barnard, McFarland, Reich, Scruggs, Bush, Patton, Walker, Gentry, Ashe, Robinson, Joines, Justice, Weathers, Keith, Muncher, Glover, Stafford, Brown, Marlowe, Vanatta, Bishop, Emberton
Voting NO:	(0)	
ABSTAINING:	(0)	
ABSENT:	(0)	

Resolution 15-1-3 \_\_\_\_\_

Commissioner Justice read Resolution 15-1-4 Approving the Board of Education's Response to the Comptroller's Letter. Commissioner Glover made a motion that said Resolution be adopted, seconded by Commissioner Stafford. Passed by a roll call vote 25 for, 0 against, 0 not voting, and 0 absent.

Voting YES:	(25)	Siever, Bannach, Franklin, Barnard, McFarland, Reich, Scruggs, Bush, Patton, Walker, Gentry, Ashe, Robinson, Joines, Justice, Weathers, Keith, Muncher, Glover, Stafford, Brown, Marlowe, Vanatta, Bishop, Emberton
Voting NO:	(0)	
ABSTAINING:	(0)	
ABSENT:	(0)	

Resolution 15-1-4 \_\_\_\_\_

Commissioner Justice read Resolution 15-1-5 Creating a 3<sup>rd</sup> Auxiliary Judicial Commissioner Position. Commissioner Glover made a motion that said Resolution be adopted, seconded by Commissioner Justice. Passed by a roll call vote 25 for, 0 against, 0 not voting, and 0 absent.

Voting YES:	(25)	Siever, Bannach, Franklin, Barnard, McFarland,
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		Reich, Scruggs, Bush, Patton, Walker, Gentry, Ashe, Robinson, Joines, Justice, Weathers, Keith, Muncher, Glover, Stafford, Brown, Marlowe, Vanatta, Bishop, Emberton
Voting NO:	(0)	
ABSTAINING:	(0)	
ABSENT:	(0)	

Resolution 15-1-5 \_\_\_\_\_

Commissioner Justice read Resolution 15-1-6 to Amend the Budget & Appropriation Resolution for the 2014-2015 Fiscal Year to Make Line Item Transfers in Probation Services. Commissioner Stafford made a motion that said Resolution be adopted, seconded by Commissioner Glover. Passed by a roll call vote 25 for, 0 against, 0 not voting, and 0 absent.

Voting YES:	(25)	Siever, Bannach, Franklin, Barnard, McFarland, Reich, Scruggs, Bush, Patton, Walker, Gentry, Ashe, Robinson, Joines, Justice, Weathers, Keith, Muncher, Glover, Stafford, Brown, Marlowe, Vanatta, Bishop, Emberton
Voting NO:	(0)	
ABSTAINING:	(0)	
ABSENT:	(0)	

Resolution 15-1-6 \_\_\_\_\_

Commissioner Justice read Resolution 15-1-7 to Amend the Budget & Appropriation Resolution for the 2014-2015 Fiscal Year to Make an Additional Appropriation into Tourism and to Amend the Budget and Appropriation Resolution for the 2014-2015 Fiscal Year to Make Line Item Transfers in Tourism. Commissioner Stafford made a motion that said Resolution be adopted, seconded by Commissioner Joines. Passed by roll call vote 25 for, 0 against, 0 not voting, and 0 absent.

Voting YES:	(25)	Siever, Bannach, Franklin, Barnard, McFarland, Reich, Scruggs, Bush, Patton, Walker, Gentry, Ashe, Robinson, Joines, Justice, Weathers, Keith, Muncher, Glover, Stafford, Brown, Marlowe, Vanatta, Bishop, Emberton
Voting NO:	(0)	
ABSTAINING:	(0)	
ABSENT:	(0)	

Resolution 15-1-7 \_\_\_\_\_

Commissioner Justice read Resolution 15-1-8 to Approve and Accept the Bond of Wilson County Clerk & Master Barbara Webb. Commissioner Glover made a motion that said Resolution be adopted, seconded by Commissioner Justice. Passed by 25 for, 0 against, 0 not voting, and 0 absent.

Voting YES:	(25)	Siever, Bannach, Franklin, Barnard, McFarland, Reich, Scruggs, Bush, Patton, Walker, Gentry, Ashe, Robinson, Joines, Justice, Weathers, Keith, Muncher, Glover, Stafford, Brown, Marlowe, Vanatta, Bishop, Emberton
Voting NO:	(0)	
ABSTAINING:	(0)	
ABSENT:	(0)	

Resolution 15-1-8 \_\_\_\_\_

Commissioner Justice made a motion to suspend the rules, seconded by Commissioner Marlowe. Passed by unanimous voice vote.

Commissioner Justice read Resolution 15-1-9 to Approve a Reapportionment Plan to Establish Seven (7) School Board Zones. Commissioner Stafford made a motion that

said Resolution be adopted, seconded by Commissioner Glover. Passed by a roll call vote 25 for, 0 against, 0 not voting, and 0 absent.

Voting YES:	(25)	Siever, Bannach, Franklin, Barnard, McFarland, Reich, Scruggs, Bush, Patton, Walker, Gentry, Ashe, Robinson, Joines, Justice, Weathers, Keith, Muncher, Glover, Stafford, Brown, Marlowe, Vanatta, Bishop, Emberton
Voting NO:	(0)	
ABSTAINING:	(0)	
ABSENT:	(0)	

Resolution 15-1-9 \_\_\_\_\_

Commissioner Justice read Resolution 15-1-10 to Establish the Speed Limit on Round Top Road at 25 MPH. Commissioner Justice made a motion that said Resolution be adopted, seconded by Commissioner Reich. Passed by unanimous voice vote.

Resolution 15-1-10 \_\_\_\_\_

Commissioner Justice read Resolution 15-1-11 Classifying the Public Roads in Wilson County. Commissioner Reich made a motion that said Resolution be adopted, seconded by Commissioner Justice. Passed by unanimous voice vote.

Resolution 15-1-11 \_\_\_\_\_

Commissioner Justice made a motion to go back into regular session, seconded by Commissioner Stafford. Passed by unanimous voice vote.

No Old Business.

No New Business.

Commissioner Justice made a motion to adjourn, seconded by Commissioner Marlowe.

Passed by unanimous voice vote.



# Wilson County EMA

## *Director's Report*

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February 23, 2015

### Wilson County Commission

1. "Dispatch Report by District Summary" – January, Attached  
"Monthly Call Report" – January, Attached
  - Medical – 924
  - Fire – 42
  - Rescue – 258
  - Total Calls – 1,224
  
2. "Emergency Management Activities" – (Since last meeting)
  - Working on enhancing our in-house programs (OSHA, NFPA)
  - Working with City & County School Systems, EOP's
  - Working with TDOT, ARC, and TEMA on Plans & Updates
  - Regional Capabilities Assessment Meeting at Nashville OEM
  - Severe Weather Week – Exercises & Activities, TEMA/NWS
  - Fire Department Round-table Meeting – WEMA, LFD, FDMJ, WVFD

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End of Report!!!

Questions???



Joey Cooper, Director

Wilson County EMA



# Wilson County Emergency Management Agency Dispatch Report by District Summary

Beg: 1/1/15  
End: 1/31/15

Ambulance		YTD	Fire			YTD	Rescue		YTD
District	Count		District	Count	# of Units Responded	Calls	District	Count	Calls
1	25	25	1	4	4	4	1	13	13
2	6	6	2	0	0	0	2	0	0
3	63	63	3	2	2	2	3	7	7
4	25	25	4	4	10	4	4	8	8
5	34	34	5	0	0	0	5	16	16
6	20	20	6	2	6	2	6	12	12
7	30	30	7	0	0	0	7	6	6
8	19	19	8	2	5	2	8	11	11
9	21	21	9	2	4	2	9	3	3
10	30	30	10	1	2	1	10	2	2
11	38	38	11	0	0	0	11	5	5
12	28	28	12	4	8	4	12	10	10
13	36	36	13	4	6	4	13	22	22
14	35	35	14	3	8	3	14	16	16
15	32	32	15	4	11	4	15	21	21
16	31	31	16	1	3	1	16	12	12
17	63	63	17	1	1	1	17	19	19
18	25	25	18	4	6	4	18	14	14
19	50	50	19	0	0	0	19	4	4
20	99	99	20	0	0	0	20	10	10
21	73	73	21	1	5	1	21	20	20
22	17	17	22	3	4	3	22	9	9
23	35	35	23	0	0	0	23	11	11
24	51	51	24	0	0	0	24	2	2
25	38	38	25	0	0	0	25	5	5
Total	924	924	Total	42	85	42	Total	258	258

Total for All	1224
Year to Date	1224

## 2015 WEMA Monthly Call Report

[illegible]

### Ambulance Runs By Station

[illegible]

### County/City Limits Breakdown (Ambulance)

[illegible]

## Fire Runs By Station

[illegible]

### County/City Limits Breakdown (FIRE)

[illegible]

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
<b>Rescue Runs By Station</b>													
St. 1	47												47
St. 2	0												0
St. 3	30												30
St. 4	45												45
St. 5	44												44
St. 6	22												22
St. 7	4												4
St. 8	14												14
St. 9	52												52
St. 10	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>258</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>258</b>

#### County/City Limits Breakdown (RESCUE)

County	183												183
Lebanon	57												57
Mt. Juliet	18												18
W-town	0												0
<b>Total</b>	<b>258</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>258</b>

#### Total Runs Per Station

St. 1	284	0	0	0	0	0	0	0	0	0	0	0	284
St. 2	22	0	0	0	0	0	0	0	0	0	0	0	22
St. 3	119	0	0	0	0	0	0	0	0	0	0	0	119
St. 4	130	0	0	0	0	0	0	0	0	0	0	0	130
St. 5	120	0	0	0	0	0	0	0	0	0	0	0	120
St. 6	96	0	0	0	0	0	0	0	0	0	0	0	96
St. 7	12	0	0	0	0	0	0	0	0	0	0	0	12
St. 8	49	0	0	0	0	0	0	0	0	0	0	0	49
St. 9	270	0	0	0	0	0	0	0	0	0	0	0	270
St. 10	122	0	0	0	0	0	0	0	0	0	0	0	122
<b>Total</b>	<b>1224</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1224</b>

#### Yearly Calls (All)

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
?	?	9700	9896	10321	10037	11704	12536	12182	12289	13693	13827	14862	15693
2014	2015	2016	2017	2018	2019	2020							

## **LAW ENFORCEMENT COMMITTEE MINUTES**

The Law Enforcement Committee of the County Commission of Wilson County, Tennessee met in called session on Thursday, February 12, 2015 at 4:15 p.m. in the upstairs Conference Room at the Wilson County Courthouse in Lebanon, Tennessee. Those members present were Commissioners Mike Justice, Chad Barnard, William Glover, Terry Scruggs and Jerry McFarland, being all the members of the Committee with the exception of Commissioners Kenneth Reich, who was absent, and Commissioner Terry Ashe, who was in the Ethics Committee meeting. Also present was Finance Director Aaron Maynard and Assistant to the County Attorney Jan Jewell.

Chairman Justice called the meeting to order and determined that a quorum was present.

The minutes of the November 6, 2014 meeting were presented. Motion to approve the minutes as printed was made by Commissioner Barnard, seconded by Commissioner Glover and carried unanimously.

Chairman Justice then turned the meeting over to Sheriff Robert Bryan, who presented six (6) separate Budget Amendment Requests, all line item transfers and moving money from the Fuel line item into various other line items.

The first Budget Amendment Request was to transfer funds from Fuel into Uniforms. Motion to recommend this Budget Amendment Request to the Budget Committee was made by Commissioner McFarland, seconded by Commissioner Glover and carried unanimously.

The second was to transfer funds from Fuel into Other Salaries and Wages. Motion to recommend this Budget Amendment Request to the Budget Committee was made by Commissioner Glover, seconded by Commissioner Barnard and carried unanimously.

The third request was to transfer funds from Fuel into Vehicle Maintenance and Repair. Motion to recommend this Budget Amendment Request to the Budget Committee was made by Commissioner Glover, seconded by Commissioner McFarland and carried unanimously.

The fourth was to transfer funds from Fuel into Law Enforcement Equipment. Motion to recommend this Budget Amendment Request to the Budget Committee was made by Commissioner Glover, seconded by Commissioner Barnard and carried unanimously.

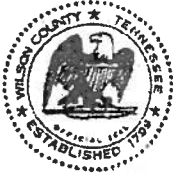
The fifth was to transfer funds from Fuel into Office Equipment. Motion to recommend this Budget Amendment Request to the Budget Committee was made by Commissioner Glover, seconded by Commissioner McFarland and carried unanimously.

The sixth, and final, Budget Amendment Request was to transfer funds from Fuel into Transportation Equipment. Motion to recommend this Budget Amendment Request to the Budget Committee was made by Commissioner Barnard, seconded by Commissioner McFarland and carried unanimously.

There being no further business to before the Committee on motion of Commissioner Glover, seconded by Commissioner Scruggs, the Committee voted unanimously to adjourn.

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SECRETARY



**ROBERT BRYAN, SHERIFF**  
WILSON COUNTY SHERIFF'S DEPARTMENT

105 East High Street - Lebanon, Tennessee 37087

Office (615) 444-1412 - Fax (615) 444-9276

To: Wilson County Court  
From: Robert Bryan, Sheriff  
Date: January 1-31, 2015

**Activity Report**

	<u>DEC 2014</u>	<u>JAN 2015</u>
Calls Investigated by Sheriff's Department	1975	2035
Auto Accident Calls Answered	144	115
Total Booked Through Jail	453	519
Highest Daily Inmate Population (458 Bed Facility)	284	298
Average State Prison Inmates	108	107
State Warrants Received	718	701
Arrests on State Warrants	702	709
Civil Warrants Received	1638	1470
Civil Warrants Served	1682	1564
Felony Cases Investigated	61	65
Juvenile Complaints Filed	470	428
Domestic Violence	64	56
Reserve Volunteer Hours	217.5	194.5
SCAN Volunteer Hours	743	639.5
K9 SAR Volunteer Hours	136	77
Mounted Search & Rescue Volunteer Hours	30.75	29

Misc Community Projects: Mid Cumberland, Josephs Storehouse. Lake Haven boat ramp. Tyree Access boat ramp,

Roads Worked: Jennings Pond Rd, Hurricane Creek Rd, Old Murfreesboro Rd, Greenwood Rd, Young Rd, Walnut Hill Rd, Tramel Lane, Chicken Rd, Bartons Creek Rd, Franklin Rd, Oak Grove Rd, Blue Well Rd, Baird Dr, Mays Chapel Rd, Cooks Rd, Benders Ferry Rd, Rutland Rd, Posey Hill Rd, N Posey Hill Rd, S Posey Hill Rd, Sparta Pike, Stewarts Ferry Pk, Gladeville Rd, Central Pike, Franklin Rd, Phelan Dr, Quail Meadow Dr, Safari Camp Rd, Wildcat Way, Burton Rd, Clemmons Rd, Old Lebanon Dirt Rd, Cedar Forrest Rd, W Richmond Shop Rd, Burford Rd, Belotes Ferry Rd, Cedar Grove Rd, Sullivan Bend Rd, Cainsville Rd, Maple Hill Rd, Trice Rd, Berea Church Rd, Mann Rd,

  
Robert Bryan, Sheriff

Faxed and emailed to Sondra Winfree Dowdy: 615-466-5071

**Inmate Population Analysis  
WILSON COUNTY SHERIFFS OFFICE**

DATE : 02/03/2015  
TIME : 10:28:28AM

Page 1 of 1

Male Inmates White: 149	Female Inmates White: 38	% Males: 80.68
Male Inmates Black: 63	Female Inmates Black: 13	% Females: 19.32
Male Inmates Other: 1	Female Inmates Other: 0	% Juvenile: 0.00
Male Inmates Juvenile: 0	Female Inmates Juvenile: 0	% White: 70.83
Total Male Inmates: 213	Total Female Inmates: 51	% Black: 28.79
		% Other: 0.38

**Total Inmates: 264**

Age Range	Count	
Less Than 13 or No Date Of Birth:	0	Average Male Age: 34.48
Between 13 and 15:	0	Average Female Age: 33.92
Between 16 and 17:	0	Average Juvenile Age: 0.00
18:	1	Average Age: 34
Between 19 and 21:	14	Average White Age: 34.70
Between 22 and 25:	40	Average Black Age: 33.67
Between 26 and 30:	60	Average Other Age: 26.00
Between 31 and 35:	44	
Between 36 and 40:	36	Total Inmate Days In Jail: 35,031
Between 41 and 50:	49	Average Days In Jail: 132.69
Between 51 and 60:	16	Total Inmate Bond Amount: \$ 8,869,700.00
Between 61 and 70:	3	Average Inmate Bond Amount: 82,126.85
71 and Over:	1	Total Inmate That Have Been In Jail Prior: 229
On Suicide Watch: 2	%: 1.00	Average Number Of Priors: 7.27
Mental Illness: 42	%: 16.00	% Priors To Total Count: 86.74
Sex Offenders: 9		Total Charges Against Inmates: 709
With Holds: 50	%: 19.00	Charged As Misdemeanant: 110
Military Service: 33		Charged As Felon: 154
On Special Diets: 1	%: 0.00	
Foreign Born: 3		On Temporary Release: 0
Weekenders: 0		On School Release: 0
On Work Release: 0		
Violent: 1	%: 0.00	
Sentenced: 119	%: 45.00	Average Days Of Sentence In Days: 1,185.00
Not Sentenced: 145	%: 55.00	
Past Sentence Time: 1		
Trustees: 45	%: 0.00	
On Medications: 0	%: 0.00	Average Meds Per Inmate Who Are On Meds: 0.00

# WILSON COUNTY SHERIFFS OFFICE

## DEPARTMENT STATISTICS

DATE : 02/03/2015  
TIME : 10:28:05AM

*Report Dates From: 1/1/2015 Thru: 1/31/2015*

Page 1 of 1

### UCR / IBRS Statistics

DATE : 02/03/2015  
TIME : 10:28:06AM

Page 1 of 1

IBR Code	IBRS Group Description	Reported During Date Range	Arrested During Date Range	Cleared During Date Range
23H	ALL OTHER LARCENY	30	13	11
90Z	ALL OTHER OFFENSES	277	162	166
13A	ASSAULT AGGRAVATED	8	6	9
13B	ASSAULT SIMPLE	38	27	29
220	BURGLARY/BREAKING AND ENTERING	11	1	2
250	COUNTERFEITING/FORGERY	6	4	3
90C	DISORDERLY CONDUCT	6	10	10
90D	DRIVING UNDER THE INFLUENCE	10	9	9
35B	DRUG EQUIPMENT VIOLATIONS	5	5	2
35A	DRUG/NARCOTICS VIOLATIONS	15	17	13
90E	DRUNKENNESS	6	6	6
26A	FALSE PRETENSES/SWINDLE/CONFIDENCE GAM	6	0	2
90F	FAMILY OFFENSE, NONVIOLENT	27	13	13
26C	IMPERSONATION	3	1	1
13C	INTIMIDATION	11	1	1
240	MOTOR VEHICLE THEFT	4	0	2
11A	RAPE	3	2	2
120	ROBBERY	2	0	0
90I	RUNAWAY	3	0	0
23C	SHOPLIFTING	6	6	6
23D	THEFT FROM BUILDING	22	1	5
23F	THEFT FROM MOTOR VEHICLE	9	1	1
23G	THEFT OF MOTOR VEHICLE PARTS OR ACCESSC	2	0	0
90J	TRESPASS OF REAL PROPERTY	6	2	2
290	VANDALISM	20	8	2
520	WEAPON LAW VIOLATION	1	1	1
		537	296	298

**Total Reported Incidents Involving Domestic Violence: 30**

*Report\_DeptStats*

621

## **EDUCATION COMMITTEE MINUTES**

The Education Committee of the County Commission of Wilson County, Tennessee met in regular session on Thursday, February 12, 2015 at 6:00 p.m. in the upstairs Conference Room at the Wilson County Courthouse in Lebanon, Tennessee. Those members present were Commissioners Sonja Robinson, Annette Stafford, Chad Barnard, Jerry McFarland, Terry Scruggs and Becky Siever, being all the members of the Committee with the exception of Commissioner Jeff Joines, who was absent. Also present was Director of Schools Dr. Donna Wright, School Board Member Bill Robinson, County Mayor Randall Hutto, County Commissioners Diane Weathers, Sue Vanatta, John Gentry, Terry Muncher and Wendell Marlowe and County Attorney Michael R. Jennings.

Chairman Stafford called the meeting to order and determined that a quorum was present.

The minutes of the January 15, 2015 meeting were presented. Motion to approve these minutes as printed was made by Commissioner Barnard, seconded by Commissioner Scruggs and carried unanimously.

Chairman Stafford advised that there was no business to come before the Committee tonight from the School Board and the educational system. However, she wanted this meeting to be held to discuss how Wilson County should proceed with regard to the two additional Board members that were approved by Private Act by vote of the people. She believes that we should be able to appoint these School Board members until the August, 2016 election. The County Commission appointed a General Sessions Judge until the first election after that Private Act. They have also appointed County Commissioners and School Board members. She asked County Attorney Jennings to comment on the issue of whether the additional School Board members can be appointed or will those seats have to be filled first in an election.

County Attorney Jennings first reviewed the history of how we got to this point. The County Commission voted to request a Private Act from the State legislature to increase the membership of the Board of Education. An Attorney General's Opinion was requested, and Opinion No. 14-38 was issued on March 31, 2014. To the question "If a Private Act increasing the number of members of a County Board of Education becomes effective upon approval by the County voters at the 2014 regular August election, will vacancies arise such that the County legislative body may appoint persons to fill the newly created positions until an election to fill them can be held?". To that question, the Attorney General answered "Yes". The creation of new positions on the County Board of Education pursuant to TCA §49-2-201(a)(1) would create vacancies in the newly created positions that the County legislative body may fill by appointment.

The legislature then approved Private Act Chapter 71 which became law on May 19, 2014. This Private Act was adopted in a manner different than that requested by the County Commission. Section 1 of that Private Act states "Beginning with the August 2016 General Election, Wilson County shall be divided into seven (7) school districts of substantially equal population, which shall be established by resolution of the County legislative body of Wilson County." But, in the second paragraph of Section 1, the law states "During the transition from five (5) districts as provided under prior law, to the seven (7) districts as provided for in this Act, all incumbent Board members shall remain on the Board until the expiration of their current terms". County Attorney Jennings noted that this is the current law anyway. Why was this placed in this legislation? Those who have been elected have an absolute right to serve the length of their term. The answer to the question of whether the Wilson County Commission can



appoint two (2) additional School Board members until the August, 2016 General Election is somewhat cloudy. It should be noted that the Attorney General's Opinion was issued prior to the passage and adoption of Chapter 71 of the Acts of 2014, but the reasoning of the Attorney General is consistent with previous case law and does it apply to Private Act Chapter 71?

There was much discussion on this issue, and many opinions were expressed from Committee members as well as other County Commissioners in the audience. During the course of the discussion, County Attorney Jennings suggested five possible options. In no particular order of importance, the first option would be to "do nothing". The second option would be to recommend to the County Commission that they go ahead and appoint two (2) additional School Board members.

The third option would be to request clarification from the Attorney General with regard to whether his opinion would now change with the passage of Private Act Chapter 71. The fourth option would be to file a declaratory judgment action. The fifth option would be to send a request back to the legislature to ask them to adopt the Private Act as previously requested.

The pros and cons of several of these options were discussed. Attorney Jennings noted that we now have a new Attorney General and Reporter and he may or may not agree with the opinion of his predecessor. It is unclear where a declaratory judgment action would have to be filed, as the State of Tennessee would be a Defendant in this matter. Many times suits against the State are required to be filed in Chancery Court in Davidson County. So a question exists as to whether venue of this suit would be in Wilson County courts or Davidson County courts. And, this could set up an interesting scenario as the Attorney General is required to by law to defend the State in these actions.

Motion to send a recommendation to the County Commission that the County Commission fill these two (2) vacancies until the regular election in August, 2016 was made by Commissioner McFarland, seconded by Chairman Stafford. The vote failed by vote of three for (Commissioners McFarland, Stafford and Scruggs), three against (Commissioners Robinson, Siever and Barnard), one absent (Commissioner Joines).

County Attorney Jennings suggested that an idea would be to have him seek an appointment with the State Attorney General to discuss this matter. While this matter was being discussed, motion was made by Commissioner Siever to seek an Attorney General's Opinion seeking answers to the following specific questions:

1. When does the vacancy occur based on the wording of the Private Act?
2. Did the State legislature act illegally by changing the request of the Private Act and adopting something different from that requested?

The motion was seconded by Commissioner Robinson. The motion carried by vote of 5 for with Commissioner Barnard voting "no" and Commissioner Joines being absent.

During the discussion on this motion, the Committee expressed their wish that the County Attorney seek an appointment with the State Attorney General and Reporter to discuss this matter. Hopefully this can be done during the next week but it may not be possible due to the Attorney General's schedule. If not, the resolution which has just been recommended may have to await a March County Commission meeting vote.

There being no further business to come before the Committee on motion of Chairman Stafford, seconded by Commissioner Siever, the Committee voted unanimously to adjourn.

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SECRETARY



*To all to whom these Presents shall come, Greeting:*

*I, Tre Hargett, Secretary of State of the State of Tennessee,  
do hereby certify that the annexed is a true copy of*

Private Chapter 71

House Bill 2550

Senate Bill 2644

2014



*the original of which is now on file and a matter  
of record in this office. In Testimony Whereof,  
I have hereunto subscribed my official signature  
and by order of the Governor affixed the  
Great Seal of Tennessee at the Department  
in the City of Nashville,  
this 19th day of May, A.D. 2014.*

  
Tre Hargett, Secretary of State



# **State of Tennessee**

## **PRIVATE CHAPTER NO. 71**

**HOUSE BILL NO. 2550**

**By Representatives Pody, Lynn**

**Substituted for: Senate Bill No. 2644**

**By Senator Beavers**

AN ACT to amend Chapter 50 of the Private Acts of 1971; as amended by Chapter 128 of the Private Acts of 1973; Chapter 148 of the Private Acts of 1973; Chapter 212 of the Private Acts of 1978; and any other acts amendatory thereto, relative to the Wilson County Board of Education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 50 of the Private Acts of 1971, as amended by Chapter 148 of the Private Acts of 1973, Chapter 212 of the Private Acts of 1978, and any other acts amendatory thereto, is amended by deleting Section 1 in its entirety and substituting instead the following:

### **SECTION 1.**

Beginning with the August 2016 general election, Wilson County shall be divided into seven (7) school districts of substantially equal population, which shall be established by resolution of the county legislative body of Wilson County. One (1) member of the Wilson County board of education shall be elected by the qualified voters in each school district. Board members shall be elected to staggered four-year terms so that every two (2) years the terms of approximately one-half (½) of the members of the board shall expire, with the odd-numbered districts expiring at the same time, and the even-numbered districts expiring at the same time. Persons elected in the regular August 2016 elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

During the transition from five (5) districts as provided under prior law, to the seven (7) districts as provided for in this act, all incumbent board members shall remain on the board until the expiration of their current terms. After the approval of this act, as provided in Section 5, the two (2) new members to the board shall be elected in the regular August 2016 election and qualified according to law. In order to maintain a board with staggered four-year terms, one (1) member of the board shall be elected at the August 2016 general election to a four-year term to fill one (1) of the newly created offices and one (1) member of the board shall be elected to a two-year term to fill the other newly created office. Thereafter, board members shall be elected to four-year terms as the term of each respective board member expires.

SECTION 2. Chapter 50 of the Private Acts of 1971, as amended by Chapter 128 of the Private Acts of 1973, Chapter 212 of the Private Acts of 1978, and any other acts amendatory thereto, is amended by deleting the following language from Section 2:

The County Board of Education shall consist of five (5) members who shall be elected by the qualified voters of the County as follows:

and by substituting instead:

The county board of education shall consist of seven (7) members who shall be elected by the qualified voters of the county.

SECTION 3. Chapter 50 of the Private Acts of 1971, as amended by Chapter 128 of the Private Acts of 1973, Chapter 212 of the Private Acts of 1978, and any other acts amendatory thereto, is amended by deleting the following language from Section 2:

One member of the County Board of Education shall be elected from each zone by the qualified voters thereof. Members must reside in the school zone from which they are elected.

and by substituting instead:

One (1) member of the county board of education shall be elected from each school district by the qualified voters thereof. Members must reside in the school district from which they are elected.

SECTION 4. Chapter 50 of the Private Acts of 1971, as amended by Chapter 128 of the Private Acts of 1973, Chapter 212 of the Private Acts of 1978, and any other acts amendatory thereto, is amended by deleting the following language from Section 2:

Members of the County Board of Education shall be elected at the General County Elections in August and shall assume office on September 1 following their election, and, except as hereinafter provided, shall serve for terms of six (6) years or until their successors are elected and qualified.

The first members of the County Board of Education shall be elected at the first county wide election to be held in Wilson County, if any such county wide election shall be held, for any reason, prior to August 1, 1971. If it shall appear to the Wilson County General Election Commission that no such county wide election shall be held for any reason prior to August 1, 1971, then, the Wilson County General Election Commission shall cause to be held a special county wide election for the election of the County Board of Education members and will call and set the date for such election so that said election may be held not later than August 15, 1971. The Wilson County General Election Commission shall be the sole judge of whether such special election is necessary rather than being held in conjunction with another county wide election. At such election the members elected from Zone 1 shall serve for a term of one (1) year ending August 31, 1972, the members elected from Zone 2 and 3 shall serve a three (3) year term ending August 31, 1974, and the members elected from Zones 4 and 5 shall serve a five (5) year term ending August 31, 1976. Thereafter, when each of the last above described terms shall have expired, successors to each member's seat on the Board shall be elected for full six (6) year terms.

The offices and terms of all members of the presently serving County Board of Education shall expire on August 31, 1971.

SECTION 5. This act shall have no effect unless it is approved by a majority of the number of qualified voters of Wilson County voting in an election on the question of whether or not the act should be approved. The ballots used in the regular election to be held on August 7, 2014, shall have printed on them the substance of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

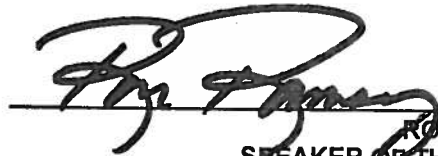
SECTION 6. For the purpose of approving or rejecting the provisions of this act, as provided in Section 5, it shall be effective upon becoming a law, the public welfare requiring it, but for all other purposes the provisions of the act shall be effective only upon being approved as provided in Section 5, the public welfare requiring it.

HOUSE BILL NO. 2550

PASSED: April 17, 2014



BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 13<sup>th</sup> day of May 2014



BILL HASLAM, GOVERNOR

**STATE OF TENNESSEE  
OFFICE OF THE ATTORNEY GENERAL**

March 31, 2014

Opinion No. 14-38

Expanding County Board of Education

---

**QUESTIONS**

1. If a private act increasing the number of members of a county board of education becomes effective upon approval by the county voters at the 2014 regular August election, will vacancies arise such that the county legislative body may appoint persons to fill the newly created positions until an election to fill them can be held?

2. If the county legislative body may not fill the new positions, may new members of the county board of education be elected in a special election to fill the positions until the 2016 regular August election?

3. In order to effectuate the requirement of Tenn. Code Ann. § 49-2-201 that members of a local board of education be elected to staggered four-year terms, may some of the new members be elected to four-year terms and some of the new members be elected to two-year terms at the 2016 regular August election?

4. Should the county legislative body's resolution requesting the increase in membership of the county board of education include reapportionment of the county so that the voters in the 2014 regular August election will be apprised of the districts from which the members of the county board of education will be elected following the increase in membership?

**OPINIONS**

1. Yes. The creation of new positions on the county board of education pursuant to Tenn. Code Ann. § 49-2-201(a)(1) would create vacancies in the newly created positions that the county legislative body may fill by appointment.

2. See above.

3. Yes. An August 2016 election of members to newly created positions on the county board of education should be construed as a "first election" held pursuant to Tenn. Code Ann. § 49-2-201(a)(1), requiring staggered terms of office by electing members from even-numbered districts for an initial term of two years and by electing members from odd-numbered districts for a term of four years.

4. Tenn. Code Ann. § 49-2-201(a)(1) requires that county school-board members be “elected from districts of substantially equal population established by resolution of the local legislative body.” The creation of new positions on the board of education would necessitate the creation of new “districts of substantially equal population” from which those board members are to be elected. There is no requirement for the county legislative body to reapportion districts unless and until the voters elect to increase the school-board membership in the August 2014 election.

### ANALYSIS

1. and 2. In Title 49, Chapter 2, of the Tennessee Code, the General Assembly has prescribed the manner in which county boards of education are to be elected, the makeup and qualifications for membership, and the manner in which vacancies are to be filled.

Notwithstanding any other law to the contrary, there shall be a board of education elected by the people. . . . In addition to the membership existing on boards as of January 1, 1992, or January 1, 1993, the general assembly may authorize by private act any number of school board members that is no less than three (3) nor more than eleven (11). The members of the board shall be elected for a term of four (4) years, and may succeed themselves. For the first election held pursuant to this section, in order to establish staggered terms of office, the members from even-numbered districts shall be elected for a term of two (2) years, and the members of odd-numbered districts shall be elected for four (4) years. Members of county boards of education shall be residents of and elected from districts of substantially equal population established by resolution of the local legislative body. . . . Vacancies occurring on the board shall be filled by the local legislative body. . . . Any person so appointed shall serve until a successor is elected and qualifies according to law. The successor shall be elected at the next general election for which candidates have a sufficient time to qualify under the law.

Tenn. Code Ann. § 49-2-201(a)(1).

The statute thus authorizes the creation by private act of any number of school-board positions between three and eleven; school-board members shall be “elected by the people,” and vacancies shall be filled by the local legislative body. *Id.* “When a vacancy occurs, the unexpired term shall be filled at the next regular meeting of the county legislative body or at a special meeting of the county legislative body,” and [v]acancies shall be declared to exist, on account of death, resignation or removal from the county.” Tenn. Code Ann. § 49-2-202(e)(1)-(2).



districts shall be elected for a term of two (2) years, and the members of odd-numbered districts shall be elected for four (4) years.” *Id.*

4. The Tennessee Code provides for the reapportionment of county districts at least every 10 years in counties that have not adopted a charter form of government under Article VII, § 1, of the Tennessee Constitution. *See* Tenn. Code Ann. § 5-1-111(a). In addition to this mandated reapportionment, “[a] county legislative body may reapportion at any time if [it] deems such action necessary to maintain substantially equal representation based on population.” Tenn. Code Ann. § 5-1-111(c). Furthermore,

whenever an election is held to fill a vacancy in a county office that is elected from districts, including, but not limited to, county school board members, the county legislative body may provide by resolution duly certified to the county election commission that persons qualifying as candidates shall be elected from the most recently adopted reapportionment plan in the county. If the county legislative body requires the election to be held using districts as adopted in the most recently adopted reapportionment plan in the county, the county legislative body shall specify to the county election commission which district shall be used to fill the vacancy by election. In the absence of a resolution requiring the latest reapportionment plan be used and specifying which district shall be used for the election, the election shall be held using the district as constituted for the election of the vacated incumbent.

Tenn. Code Ann. § 5-1-104(c).

Tenn. Code Ann. § 49-2-201(a)(1) requires that county school-board members be “elected from districts of substantially equal population established by resolution of the local legislative body.” If a private act creating new school-board positions were approved by voters, the creation of these new positions would then necessitate the creation of new “districts of substantially equal population” from which those board members are to be elected. The county legislative body is responsible for the reapportionment of districts and is responsible for specifying to the county election commission which districts shall be used to fill vacancies of office by election. *See* Tenn. Code Ann. §§ 5-1-104(c), -111. The question before the voters in the August 2014 election will be whether to increase the school-board membership. There is no requirement for the county legislative body to reapportion districts unless and until the voters answer that question in the affirmative. There is thus no requirement that the proposed reapportionment be included in the county legislative body’s resolution.

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